

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 64th LEGISLATURE - REGULAR SESSION

COMMITTEE ON STATE ADMINISTRATION

Call to Order: Chair Forest Mandeville, on March 26, 2015 at 8:00 AM, in Room 455
Capitol

ROLL CALL

Members Present:

Rep. Jeff Essmann, Chair (R)
Rep. Bill Harris, Vice Chair (R)
Rep. Casey Schreiner, Vice Chair (D)
Rep. Bryce Bennett (D)
Rep. Bob Brown (R)
Rep. Moffie Funk (D)
Rep. Frank Garner (R)
Rep. Edward Greef (R)
Rep. Denise Hayman (D)
Rep. Jessica Karjala (D)
Rep. Debra Lamm (R)
Rep. Forrest Mandeville (R)
Rep. Wendy McKamey (R)
Rep. Jean Price (D)
Rep. Ray L. Shaw (R)
Rep. Kathy Swanson (D)
Rep. Susan Webber (D)
Rep. Art Wittich (R)

Members Excused:

Rep. Austin Knudsen (R)
Rep. Dale Mortensen (R)

Members Absent: None

Staff Present: Jennifer Petersen, Committee Secretary
Sheri Scurr, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 623, 3/24/2015
Executive Action: HB 594, HB 607, HB 623

00:00:00 Chair Essmann (*assigns Rep. Mandeville as Chair*)
00:02:42 Sheri Scurr, LSD
00:02:46 Chair Essmann
00:02:56 Rep. Mandeville

HEARING ON HB 623

Opening Statement by Sponsor:

00:03:08 Rep. Ryan Osmundson (R), HD 30, opened the hearing on HB 623, Generally revise office of political practices.

Proponents' Testimony: None

Opponents' Testimony:

00:07:29 Jonathan Motl, Commissioner of Political Practices (COPP)
00:14:33 Chair Mandeville

Informational Testimony: None

Questions from Committee Members and Responses:

00:14:49 Vice Chair Harris
00:15:27 Jonathan Motl, COPP
00:16:47 Vice Chair Harris
00:17:20 Jonathan Motl, COPP
00:18:03 Vice Chair Harris
00:18:40 Jonathan Motl, COPP
00:20:00 Rep. B. Bennett
00:20:18 Rep. Osmundson
00:21:02 Rep. B. Bennett
00:21:15 Rep. Osmundson
00:22:27 Vice Chair Schreiner
00:22:55 Rep. Osmundson
00:23:13 Vice Chair Schreiner
00:23:22 Rep. Osmundson
00:24:10 Vice Chair Schreiner
00:24:42 Rep. Osmundson
00:24:59 Vice Chair Schreiner
00:25:29 Rep. Osmundson
00:26:11 Rep. McKamey
00:26:55 Rep. Osmundson
00:27:14 Rep. Price
00:27:47 Rep. Osmundson
00:29:09 Rep. Price
00:29:18 Rep. Osmundson
00:29:51 Rep. Essmann
00:30:18 Jonathan Motl, COPP
00:30:20 Rep. Essmann
00:30:46 Jonathan Motl, COPP
00:30:58 Rep. Essmann

00:31:35 Jonathan Motl, COPP
00:31:39 Rep. Essmann
00:32:15 Jonathan Motl, COPP
00:34:52 Rep. Lamm
00:34:58 Rep. Wittich
00:36:15 Mary Baker, Office of the Commissioner of Political Practices (COPP)
00:36:56 Rep. Wittich
00:37:16 Mary Baker, COPP
00:37:24 Rep. Wittich
00:37:36 Chair Mandeville
00:37:41 Rep. Wittich
00:38:13 Chair Mandeville
00:38:25 Rep. Wittich
00:38:53 Vice Chair Schreiner
00:39:20 Rep. Wittich
00:39:28 Chair Mandeville
00:39:47 Rep. Wittich
00:40:26 Vice Chair Harris
00:40:49 Rep. Wittich
00:41:07 Vice Chair Schreiner
00:41:38 Rep. Wittich
00:41:57 Chair Mandeville
00:42:16 Mary Baker, COPP
00:42:50 Chair Mandeville
00:43:01 Rep. Karjala
00:44:41 Jonathan Motl, COPP
00:47:43 Rep. Karjala
00:48:52 Jonathan Motl, COPP
00:51:24 Rep. Funk
00:52:24 Jonathan Motl, COPP
00:53:28 Rep. Lamm
00:54:05 Rep. Osmundson
00:55:28 Rep. Lamm
00:55:35 Rep. Osmundson

Closing by Sponsor:

00:55:55 Rep. Osmundson

00:57:00 Chair Mandeville, Recess (*Rep. Essmann leaves*)
01:06:12 Chair Mandeville, Reconvene

EXECUTIVE ACTION ON HB 594

01:06:55 Sheri Scurr, LSD

01:07:12 **Motion:** Rep. Harris moved that **HB 594 DO PASS.**

01:07:28 Sheri Scurr, LSD
01:07:37 Chair Mandeville

01:07:39 Sheri Scurr, LSD

[EXHIBIT\(sth63a01\)](#)

[EXHIBIT\(sth63a02\)](#)

01:08:44 Rep. Wittich

01:09:45 Chair Mandeville

01:10:09 **Motion:** Rep. Shaw moved that **HB 594 BE AMENDED.**

[EXHIBIT\(sth63a03\)](#)

Discussion:

01:10:45 Rep. Garner

01:11:11 Rep. Hayman

01:11:52 Rep. McKamey

01:11:58 Rep. Shaw

01:12:02 Chair Mandeville

01:12:07 Sheri Scurr, LSD

01:14:06 Vice Chair Harris

01:14:56 Chair Mandeville

01:15:00 Vice Chair Harris

01:15:40 Rep. Wittich

01:17:39 Rep. Funk

01:18:20 Chair Mandeville

01:18:24 Sheri Scurr, LSD

01:19:20 Vice Chair Schreiner

01:19:58 Rep. Greef

01:20:16 Chair Mandeville

01:20:26 Rep. McKamey

01:20:32 Chair Mandeville

01:20:43 Rep. Greef

01:21:00 Sheri Scurr, LSD

01:21:39 Vice Chair Harris

01:22:15 Sheri Scurr, LSD

01:22:21 Chair Mandeville

01:22:30 **Substitute Motion:** Rep. Wittich made a substitute motion that **HB 059405.asc BE AMENDED.to strike the words "one or more of" under subsection 2.**

Discussion:

01:23:57 Rep. Garner

01:24:28 Rep. McKamey

01:24:58 Vice Chair Schreiner

01:25:58 Sheri Scurr

01:26:11 Rep. Wittich

01:26:38 Sheri Scurr, LSD

01:26:57 Rep. Wittich

01:27:06 **Vote:** Motion failed 9-11 by roll call vote with Rep. B. Brown, Rep. Essmann, Rep. Harris, Rep. Knudsen, Rep. Lamm, Rep. Mandeville, Rep. McKamey, Rep. Mortensen and Rep. Wittich voting aye. Rep. Essmann, Rep. Knudsen and Rep. Mortensen voted by proxy.

01:28:23 **Motion:** Rep. B. Bennett moved that **HB 059405.ASC BE AMENDED** so that the second to last sentence of subsection 3 reads, "After the hearing, the commissioner shall issue a sanction decision on whether or not a sanction of reasonable expenses, including attorney fees and a fine up to \$250, is warranted.

01:29:42 Chair Mandeville

01:30:02 Rep. Garner

01:30:12 Rep. Shaw

01:30:20 **Vote:** Motion carried 13-7 by roll call vote with Rep. B. Brown, Rep. Essmann, Rep. Lamm, Rep. Mandeville, Rep. McKamey, Rep. Mortensen and Rep. Wittich voting no. Rep. Essmann, Rep. Knudsen and Rep. Mortensen voted by proxy.

01:31:59 **Motion:** Rep. Shaw moved that **HB 059405.ASC DO PASS AS AMENDED.**

01:32:23 **Vote:** Motion carried 11-9 by roll call vote with Rep. B. Brown, Rep. Essmann, Rep. Harris, Rep. Knudsen, Rep. Lamm, Rep. Mandeville, Rep. McKamey, Rep. Mortensen and Rep. Wittich voting no. Rep. Essmann, Rep. Karjala and Rep. Mortensen voted by proxy.

01:33:40 Rep. Wittich

01:34:48 **Motion:** Rep. Harris moved that **HB 594 DO PASS AS AMENDED.**

Discussion:

01:35:01 Rep. Lamm

01:35:54 Rep. Hayman

01:36:24 Vice Chair Harris

01:37:16 Vice Chair Schreiner

01:37:51 Rep. Greef

01:38:17 Chair Mandeville

01:38:23 Rep. Greef

01:38:35 Sheri Scurr, LSD

01:39:06 Chair Mandeville

01:39:15 Rep. Garner

01:41:12 Rep. B. Brown

01:42:59 Chair Mandeville

01:43:14 Rep. McKamey

01:44:46 Rep. Wittich

01:46:14 **Motion:** Rep. Harris moved that **HB 594 BE AMENDED.**

EXHIBIT(sth63a04)

Discussion:

01:48:03 Rep. B. Bennett

01:48:21 Rep. Mandeville

01:48:29 Vice Chair Harris

- 01:49:30 **Vote:** Motion failed 10-10 by roll call vote with Rep. B. Brown, Rep. Essmann, Rep. Greef, Rep. Harris, Rep. Knudsen, Rep. Lamm, Rep. Mandeville, Rep. McKamey, Rep. Mortensen and Rep. Wittich voting aye. Rep. Essmann, Rep. Knudsen and Rep. Mortensen voted by proxy.
- 01:50:57 **Vote:** Motion that **HB 594 DO PASS AS AMENDED** failed 10-10 by roll call vote with Rep. Bennett, Rep. Funk, Rep. Garner, Rep. Hayman, Rep. Karjala, Rep. Price, Rep. Schreiner, Rep. Shaw, Rep. Swanson and Rep. Webber voting aye. Rep. Essmann, Rep. Knudsen and Rep. Mortensen voted by proxy.
- 01:52:09 **Motion/Vote:** Rep. Garner moved that **HB 594 BE TABLED**. Motion carried 17-0 by voice vote. Rep. Essmann, Rep. Knudsen and Rep. Mortensen were excused.

EXECUTIVE ACTION ON HB 607

- 01:52:51 Sheri Scurr, LSD
- 01:53:44 **Motion:** Rep. Harris moved that **HB 607 DO PASS**.
- 01:53:53 Sheri Scurr, LSD
- 01:55:02 **Motion:** Rep. Wittich moved that **HB 607 BE AMENDED**.
[EXHIBIT\(sth63a05\)](#)
- 01:56:06 Vice Chair Schreiner
- 01:56:49 **Vote:** Motion carried 12-8 by roll call vote with Rep. Bennett, Rep. Funk, Rep. Hayman, Rep. Karjala, Rep. Price, Rep. Schreiner, Rep. Swanson and Rep. Webber voting no. Rep. Essmann, Rep. Knudsen and Rep. Mortensen voted by proxy.
- 01:58:12 **Motion:** Rep. Wittich moved that **HB 607 BE AMENDED**.
[EXHIBIT\(sth63a06\)](#)

Discussion:

- 01:58:27 Sheri Scurr, LSD
- 02:02:35 Chair Mandeville
- 02:02:38 Rep. Wittich
- 02:03:59 Rep. Lamm
- 02:04:50 Sheri Scurr, LSD
- 02:05:17 Rep. Garner
- 02:05:56 Vice Chair Harris
- 02:07:15 Rep. McKamey
- 02:09:34 Rep. B. Brown
- 02:10:10 Rep. B. Bennett
- 02:11:19 Chair Mandeville

02:11:22 **Substitute Motion:** Rep. B. Bennett made a substitute motion that **HB 607 BE CONCEPTUALLY AMENDED to strike everything except for section 7 and any needed codification instructions in addition to that.**

Discussion:

02:12:16 Rep. Mandeville
 02:12:37 Rep. Lamm
 02:12:59 Rep. B. Bennett
 02:13:19 Vice Chair Harris
 02:13:33 Rep. B. Bennett
 02:14:08 Rep. Wittich
 02:14:58 Sheri Scurr, LSD
 02:15:30 Rep. Wittich
 02:16:18 Sheri Scurr, LSD
 02:16:23 Rep. Wittich
 02:17:00 Rep. Lamm
 02:17:21 Sheri Scurr, LSD
 02:19:16 Rep. Lamm
 02:19:31 Vice Chair Schreiner
 02:20:05 Vice Chair Harris

02:20:35 **Vote:** Motion carried 18-2 by roll call vote with Rep. B. Brown and Rep. Lamm voting no. Rep. Essmann, Rep. Knudsen and Rep. Mortensen voted by proxy.

02:22:27 Rep. McKamey

02:22:58 **Motion/Vote:** Rep. Harris moved that **HB 607 DO PASS AS AMENDED.** Motion carried unanimously by voice vote. Rep. Essmann, Rep. Knudsen and Rep. Mortensen voted by proxy.

EXECUTIVE ACTION ON HB 623

02:24:16 Sheri Scurr, LSD

02:24:28 **Motion:** Rep. Harris moved that **HB 623 DO PASS.**

Discussion:

02:24:39 Rep. B. Bennett
 02:26:25 Vice Chair Schreiner
 02:27:31 Rep. Garner
 02:28:11 Rep. Wittich
 02:30:54 Chair Mandeville
 02:31:01 Rep. Wittich
 02:32:21 Rep. Lamm
 02:33:03 Vice Chair Harris

02:34:37 **Vote:** Motion failed 10-10 by roll call vote with Rep. B. Brown, Rep. Essmann, Rep. Greef, Rep. Harris, Rep. Knudsen, Rep. Lamm, Rep. Mandeville, Rep. McKamey, Rep. Mortensen and Rep. Wittich voting aye. Rep. Essmann, Rep. Knudsen and Rep. Mortensen voted by proxy.

02:35:55 Rep. Garner

02:36:09 **Motion/Vote:** Rep. Schreiner moved that **HB 623 BE TABLED**. Motion carried 18-2 by voice vote with Rep. Lamm and Rep. Wittich voting no. Rep. Essmann, Rep. Knudsen and Rep. Mortensen voted by proxy.

Committee Business:

02:37:22 Chair Mandeville

02:37:46 Rep. Funk

02:37:59 Chair Mandeville

02:38:03 Rep. Price

02:38:13 Chair Mandeville

02:38:17 Rep. McKamey

02:38:25 Chair Mandeville

02:38:41 **Motion:** Rep. Schreiner moved that **HB 77 BE REMOVED FROM TABLE**.

02:39:00 Without objection, Rep. Schreiner **withdrew the BE REMOVED FROM TABLE** motion.

ADJOURNMENT

Adjournment: 02:39:07

Jennifer Petersen, Secretary

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Additional Documents:

EXHIBIT([sth63aad.pdf](#))